

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

EDMUNDO AMPARAN and  
KIMBERLY L. AMPARAN,

Plaintiffs,

vs.

No. 1:15-CV-00045 WJ/LAM

MEVLUT BERKAY DEMIR,  
DENIZCAN KARADENIZ, and  
AVIS RENT A CAR SYSTEM, LLC,  
a Delaware Limited Liability Company.

Defendants.

**ORDER DENYING WITHOUT PREJUDICE**  
**UNOPPOSED MOTION FOR RULE 16 SCHEDULING CONFERENCE**

**THIS MATTER** is before the Court on Plaintiffs' *Unopposed Motion for Rule 16 Scheduling Conference and Entry of JSR/PDP with Extended Pre-Trial Deadlines* (Doc. 30), filed June 12, 2015. Having considered the motion, record of the case, and relevant law, the Court finds that the motion shall be **DENIED without prejudice** as being prematurely filed.

This case was removed from the Second Judicial District Court by Defendant Avis Rent A Car System, LLC on January 16, 2015. [Doc. 1]. On April 3, 2015, the parties filed a Joint Status Report and Provisional Discovery Plan ("JSR/PDP"). [Doc. 15]. On May 15, 2015, Plaintiff filed a *Motion and Memorandum for Leave to File First Amended Complaint* (Doc. 26), which seeks to include newly discovered factual allegations, additional defendants, and additional claims, and which became ready for ruling on June 16, 2015. This motion is still pending. It is also clear from the record of this case that Defendant Mevlut Berkay Demir has not filed an answer to the original complaint. Therefore, the Court cannot issue an Initial

Scheduling Order setting the Rule 16 Initial Scheduling Conference until the pending motion to amend the complaint has been ruled on and until all parties have answered the complaint or amended complaint. The parties prematurely filed a JSR/PDP and their request for a Rule 16 Scheduling Conference is also premature.

**IT IS THEREFORE ORDERED** that, for the reasons stated above, Plaintiffs' *Unopposed Motion for Rule 16 Scheduling Conference and Entry of JSR/PDP with Extended Pre-Trial Deadlines* (Doc. 30) is **DENIED without prejudice** as being prematurely filed.

**IT IS SO ORDERED.**

  
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**LOURDES A. MARTÍNEZ**  
**UNITED STATES MAGISTRATE JUDGE**